

INLAND WETLANDS AGENCY  
August 27, 2008 - 7:30 P.M.  
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

Agency: Scott, Sutphen, Ashworth, Block, Furlong (7:36 pm), Williams  
Staff: Jones, Silsby

The meeting was called to order by Chairman Scott at 7:30 p.m.

II. PUBLIC COMMUNICATIONS

Staff explained that a new item came in on Monday regarding a preliminary discussion of 0 Starr Street and 0 Starr Lane. She requested to add this to tonight's agenda.

MOTION: To add 0 Starr Street and 0 Starr Lane under New Business to the Agenda.

Motion made by Sutphen, seconded by Block, so voted unanimously.

III. APPROVAL OF THE MINUTES of July 23, 2008 and July 28, 2008

MOTION: To approve the minutes of July 23, 2008.

Motion by Sutphen, seconded by Williams, so voted unanimously

MOTION: To approve the minutes of July 28, 2008

Motion by Sutphen, seconded by Block, so voted unanimously

IV. NEW APPLICATIONS – None

V. PENDING APPLICATIONS

1. Library Hill LLC, Lot #9, 225 Leonard Drive – No action taken.

Staff stated that staff review has been held and that the Agency's concern with the location of the storm water basin has been addressed.

Gary Sharpe/applicant stated that the basin is now in a different location and the drainage route has been moved. Revised plans were presented. He spoke about the basin change in detail.

Staff explained the reasons for changing the location of the outlet for roof water from building 2. The stabilization of the upland review area was a concern and staff suggested that native shrubs be planted in addition to the proposed loam and seed.

Sharpe stated that he will put in transitional plantings, as suggested by Staff.

MOTION: To approve the Library Hill LLC application for the following reasons:

1. There is no loss of wetland or watercourse associated with this application.
2. The previously disturbed area within 50 feet of the wetlands will be stabilized as part of this application, eliminating erosion potential.

This permit is subject to the four standard conditions and the following additional conditions:

1. The area within 50 feet of the wetlands shall be planted with native shrubs as approved by the Environmental Planner.
2. The roof discharge from building two shall be shifted to the north and shall outlet into a grassed swale in the vicinity of the temporary stockpile.

Made by Block, seconded by Sutphen, so voted unanimously

2. Mystic Manor, 475 High Street

Staff explained that the applicant is not yet ready to proceed. This item will be continued to a future meeting.

For the record, Ashworth, Furlong, and Williams noted that they have visited the site.

3. Rhodes Property, 0 Winding Hollow Road

Staff noted that staff review took place yesterday. She has requested that notes from the file be placed on the plans.

Ed Wenke/applicant stated that he will write additional information on the plan. He added that no additional work will be done until an additional permit is granted.

The Agency wanted to be sure that the applicant understands that this current application is only a request to stabilize the slopes.

Wenke stated that he understood and will only stabilize the slopes and give another coat of seed to the area at the top.

MOTION: To approve the Rhodes Property application for the following reasons:

1. There is no loss of wetland or watercourse associated with this project.
2. The stabilization of the slopes in the regulated area will eliminate the potential for soil erosion traveling into the wetlands.

This permit is subject to the four standard conditions and the following additional conditions:

1. The erosion control plan, construction sequence and appropriate details shall be placed on the plan.
2. A note shall be placed on the plan which states "There shall be no regulated activity, other than that shown on the plan, without a permit from the Wetland Agency."

Made by Block, seconded by Sutphen, so voted unanimously

## VI. NEW BUSINESS

### 1. Crandall Property, 0 Lambtown Road – Enforcement Action

Staff noted that the proceedings would be taped and identified the location of the property at 0 Lambtown Road. She reported that Mr. Crandall purchased the property in 2003 and transferred it to Lambtown Development LLC in 2004. The property was part of the Fleming Subdivision, approved in 1994, and a portion of it was further subdivided as Emerald Estates in 2005. Both of these subdivisions identified wetlands on Mr. Crandall's property. Staff noted that she has had several informal conversations with Mr. Crandall regarding the development process. She reviewed her June 27, 2008 inspection of the property with Lee Treadway, a code enforcement inspector with the Town. She presented pictures of the activity on the property as well as areas where work appears to have occurred within regulated areas. She reviewed aerial photographs taken in 2004 showing no disturbance on the property and one from the Google Maps website showing an earth processing operation on the property. Staff reviewed the order issued to Mr. Crandall on August 18, 2008. She noted that she inspected the property this afternoon to determine whether erosion controls have been installed. She presented pictures showing that some of the controls have been installed.

John Crandall explained the activity on his property. He is currently making mulch, operating a portable sawmill, and selling wood. He noted that he has some financial issues which have impacted his ability to hire a soil scientist to flag the wetlands and a surveyor to prepare a plan. He reviewed future activities that he would like to conduct including starting a farm, building a road to Route 184, and creating ponds.

The Agency expressed their concerns that the road appears to have been extended through wetlands. They noted the importance of flagging the wetlands and applying for permits before any work can continue.

Staff stated that Crandall is working in regulated areas and permits are required. Discussion ensued about the requirements of the Cease and Desist Order and whether or not Crandall understood its purpose and scope. Staff and Agency reiterated that these activities are in regulated areas and that work needs to stop immediately until permits are applied for and a decision is made.

Crandall stated that he would get the wetlands flagged. Staff explained the additional requirements of the Cease and Desist Order that had been sent to Crandall. Staff explained that a plan showing wetlands and a restoration plan for the wetlands and upland review area need to be presented to the Agency within 45 days of the receipt of the Order.

The Agency decided that they should walk the property. There was a consensus to keep the "Show Cause" hearing open until a future meeting, only after the wetlands have been flagged by a soil scientist. Staff explained that the Cease and Desist Order is still in effect. Crandall stated that he understood the order.

After a brief discussion, the Agency proposed a site walk for Thursday, September 18, 2008 at 10:30 a.m.

Williams stated that she is not available for that meeting.

MOTION: To continue the "Show Cause" hearing to 10:30 a.m. on September 18, 2008 at 0 Lambtown Road.

Motion by Sutphen, seconded by Furlong, so voted unanimously.

2. 0 Starr Road and 0 Starr Lane

Michael Franklin gave an overview of the property. He noted that Starr Lane is not a town accepted road. He spoke about the intent to develop a 4-lot subdivision with the same configurations as last presented to the Agency. Franklin spoke about the location of the wetlands and noted that he had the wetlands flagged since the last meeting. He noted that Don Furtunato has prepared a draft mitigation plan for the property.

For the record, Sutphen stated that she serves on the Board of the Peace Sanctuary, which is adjacent to the subject property.

Franklin would like to restore wetlands and put together a mitigation plan if the possibility exists that he would be able to build on the property. He is looking for guidance from the Agency on how to proceed.

The Agency noted that there would be work in the upland review area in order to create lot 3. If Mr. Franklin chooses to pursue a permit, he should be prepared to present a detailed mitigation plan and a tight erosion control plan. The Agency will have to be convinced that the activity will not create an unacceptable amount of impact to the wetland.

3. Report of Chair

Sutphen discussed her concerns regarding the Agency's interpretation of its regulations allowing "as-of-right" farm activity on newly acquired property that has not been previously or recently farmed.

Sutphen noted the existence of a new beaver dam on her property that has increased the dimensions of the existing pond area.

Staff suggested that the Agency drive by the Watrous Machine Shop on Fishtown Road to view the culverts that appear to be backing up. The owners of the Shop believe that this is contributing to flooding on their property. She requested that the Agency view the maintenance to Kirk Bryson's driveway.

4. Report of Staff

Staff distributed a memo to the Agency regarding the upcoming Land Use Regulation Update Project. She explained the need for regulation updates.

VII. ADJOURNMENT

The meeting adjourned at 9:25 p.m.

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Eunice Sutphen, Secretary  
Inland Wetland Agency

Prepared by Robin Silsby  
Office Assistant II